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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,504	02/26/2007	Claude Daloz	5284-74PUS	4240

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EXAMINER	
ELLIOTT IV, BENJAMIN H	

ART UNIT	PAPER NUMBER
2416	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,504	DALOZ ET AL.	
	Examiner	Art Unit	
	BENJAMIN ELLIOTT	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is in response to arguments/amendments filed 5/19/2009. Claims 1-6 have been examined and are pending. Claims 1-6 have been amended and stand rejected.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 5,944,823 to Jade et al (hereinafter "Jade").

Regarding Claim 1, Jade discloses **a system for communication between a first computer terminal of a private Internet Protocol (IP) network and a second computer terminal of a public IP network** (Jade: Abstract. Computers in local area networks behind a firewall are protected from computers located outside the network (outside the firewall) in the Internet.), **said communications system comprising: a network boundary equipment** (Jade: Abstract. A firewall protects computers inside from computers outside.);

a mediation system in the private IP network that is associated with the first computer terminal (Jade: Col. 3, lines 24-28 and Figure 1. Server A is connected to firewall and private local area network via connection, 4. Col. 3, lines 35-36. This corresponds to the tunneling applications.), **and said mediation system being configured to make an IP interface available to the second terminal** (Jade: Col. 3, lines 37-43 and Figure 1. A trusted socket table is relayed to the Server B (connected to computers outside the firewall).);

and a control server in the public IP network (Jade: Col. 3, lines 37-43. The connection between Server A (in private network) and Server B (in public network) creates a "control" connection. Col. 4, lines 16-19. Server B "controls" connections from public network into private network.), **said control server being operable to configure and control said mediation system via a communications tunnel through said network boundary equipment** (Jade: Col. 5, lines 3-11. Server B sends control signals to establish a connection between Server A (in private network) and the requesting object (inside the public network).).

Regarding Claim 2, Jade discloses **the communications system according to claim 1, wherein said IP interface comprises a Transmission Control Protocol User Datagram Protocol IP (TCP/UDP/IP) interface** (Jade: Col. 1, lines 64-67 and Col. 2, lines 1-2. The communication protocol uses TCP/IP associated with a port (interface) that is inside the firewall.).

Regarding Claim 3, Jade discloses **the system according to claim 2, wherein said communications channel comprises a TCP channel operable to transmit TCP or UDP packets arriving at an internal interface of the mediation system** (Jade: Col.

1, lines 60-67 and Col. 2, lines 1-6. TCP/IP is the protocol associated with the address of the trusted port within the firewall, thus allowing requests (using TCP/IP communication protocol) to reach the host device or application within the firewall.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jade in view of United States Patent Application Publication 2004/0028035 A1 to Read (hereinafter "Read").

Regarding Claim 4, Jade discloses **the system according to claim 3**, but is silent on, when relaying a packet from a port opened beforehand by the control server which indicates the receiver port, IP address and port number of sending port, and the received packet.

Read discloses a communication system for handling Internet calls between a public network and a private network separated by a NAT (Read: Abstract). Read further discloses **wherein the mediation system is operable to relay a packet received at a receiver port opened beforehand by the control server** (Read: [0127] and Figure 2. A proxy interface agent receives control signals from an external server to open and/or close UDP sockets behind, or within the firewall. Following security protocols, the agent will then relay the packet.), **indicating an identifier of the receiver port** (Read: [0129]. The agent forms an association between the external terminal and its own end with regards to the IP address and port.), **an IP address and number of a sending port and the received packet** (Read: [0128]. The agent forms a TCP connection to the address and port of the external server to relay the packet.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply further control methods of an external server in the public network and to relay specific information regarding addresses and ports of both ends of the communication system as taught by Read to the teachings of Jade. This benefits the

method by further increasing the efficiency of the registration, configuration, and security of the channel connections (Read: [0127-0129]).

Regarding Claim 5, Jade discloses **the system according to claim 2**, but is silent on, when relaying a packet from a port opened beforehand by the control server which indicates the receiver port, IP address and port number of sending port, and the received packet.

Read discloses a communication system for handling Internet calls between a public network and a private network separated by a NAT (Read: Abstract). Read further discloses **wherein the mediation system is operable to relay a packet received at a receiver port opened beforehand by the control server** (Read: [0127] and Figure 2. A proxy interface agent receives control signals from an external server to open and/or close UDP sockets behind, or within the firewall. Following security protocols, the agent will then relay the packet.), **indicating an identifier of the receiver port** (Read: [0129]. The agent forms an association between the external terminal and its own end with regards to the IP address and port.), **an IP address and number of a sending port and the received packet** (Read: [0128]. The agent forms a TCP connection to the address and port of the external server to relay the packet.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply further control methods of an external server in the public network and to relay specific information regarding addresses and ports of both ends of the communication system as taught by Read to the teachings of Jade. This benefits the method by further increasing the efficiency of the registration, configuration, and security of the channel connections (Read: [0127-0129]).

Regarding Claim 6, Jade discloses **the system according to claim 1**, but is silent on, when relaying a packet from a port opened beforehand by the control server which indicates the receiver port, IP address and port number of sending port, and the received packet.

Read discloses a communication system for handling Internet calls between a public network and a private network separated by a NAT (Read: Abstract). Read further discloses **wherein the mediation system is operable to relay a packet received at a receiver port opened beforehand by the control server** (Read: [0127] and Figure 2. A proxy interface agent receives control signals from an external server to open and/or close UDP sockets behind, or within the firewall. Following security protocols, the agent will then relay the packet.), **indicating an identifier of the receiver port** (Read: [0129]. The agent forms an association between the external terminal and its own end with regards to the IP address and port), **an IP address and number of a sending port and the received packet** (Read: [0128]. The agent forms a TCP connection to the address and port of the external server to relay the packet.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply further control methods of an external server in the public network and to relay specific information regarding addresses and ports of both ends of the communication system as taught by Read to the teachings of Jade. This benefits the method by further increasing the efficiency of the registration, configuration, and security of the channel connections (Read: [0127-0129]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN ELLIOTT whose telephone number is (571)270-7163. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2416

BENJAMIN ELLIOTT
Examiner
Art Unit 2416